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COMMITTEE ON THE RIGHTS OF THE CHILD

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SUMMARY RECORD OF THE 309th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 4 June 1996, at 3 p.m.

Chairperson: Mrs. SARDENBERG

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The meeting was called to order at 3.15 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of Cyprus (CRC/C/8/Add.24; HRI/CORE/1/Add.28; CRC/C.11/WP.3)

1. At the invitation of the Chairperson, Mr. Zackheos, Ms. Papaonisiforou, Ms. Hadjianastasiou and Ms. Markides (Cyprus) took places at the Committee table.

2. Mr. ZACKHEOS (Cyprus), introducing his country's report, said that since independence the Republic of Cyprus had adopted and pursued a policy of actively promoting the rights of the child. The Convention had been ratified in 1990 and took precedence over any domestic legislation. Its provisions had been invoked in court actions and had affected the outcome of cases.

3. The report, which had been produced jointly by Government departments and non-governmental organizations, showed the efforts his country had made on behalf of children, which had borne fruit in the significant reduction of disease, of infant mortality (9 deaths per 1,000 live births) and the total elimination of malnutrition and of major communicable diseases. It was determined to implement fully the provisions of the Convention and indeed a Committee had been established with the mandate of reviewing the compliance of existing legislation with the Convention, article by article.

4. The Turkish invasion of 1974 and the military occupation of about 37 per cent of the island's territory had brought about increased social problems, which persisted. Some children had become refugees, while others - the children of Greek Cypriot citizens living in the occupied area - were denied the basic right of secondary education. Obstacles were placed in their way with regard to free movement and the provision of books. His Government was therefore not in a position to implement the provisions of the Convention and other international instruments for all inhabitants of the territory. The Government's difficulties in that respect had been recognized by the Committee on the Elimination of Racial Discrimination and the Human Rights Committee. He hoped that the Committee on the Rights of the Child would join them in deploring the occupation of part of the territory of his country and note its adverse consequences for the children of Cyprus. His Government was committed to a peaceful, just and workable solution to the problem. Common ground on the most important issue - the question of security - should first be established. Meanwhile, he believed that the international community, and in particular the human rights bodies, were duty-bound to contribute to the restoration and protection of human rights in countries where long-standing political problems resulted in their violation.

5. Ms. PAPAONISIFOROU (Cyprus) drew the Committee's attention to the National Day of Children, celebrated annually in Cyprus on 1 June, and Children's Week, which was marked by demonstrations, festivals and children's debates to promote awareness of children's rights. Secondly, she assured the Committee that in all legislation affecting children the Convention was taken into account. Thirdly, following Cyprus's ratification in 1995 of the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, talks were to shortly begin on that subject with

another contracting State, Romania. Lastly, she submitted a booklet containing details of the legislation introduced since ratification of the Convention, including the Violence in the Family (Prevention and Protection of Victims) Law of 1994, the Adoption Law of 1995, the Children Law of 1993, and the Children (Relationship and Legal Status) Law, 1991. She also submitted tables containing data on family violence affecting children and the sexual abuse of children.

6. Mr. KOLOSOV stressed the importance of children knowing their own rights; they should not be patronized, but should be seen as individuals. Every country maintained that the Convention was widely circulated, but children encountered by the Committee never seemed to know their rights. He asked how children in Cyprus were made aware in practice that they had rights and could protect them.

7. Mrs. SANTOS PAIS said that the Committee needed no further persuasion of the Government's commitment to the welfare of children. The Committee's role must be to make practical recommendations to help children within the jurisdiction of the Government, given the special nature of the problems it faced, to which she hoped a speedy political solution would be found, although she reminded the delegation that the Committee was not a political body itself. She welcomed the fact that there had been judicial decisions invoking the Convention, materially affecting the outcome of trials, and requested specific examples.

8. Miss MASON had high praise for the report and hoped that the Committee would feel able to echo the Committee on the Elimination of Racial Discrimination in deploring the occupation of part of the territory of Cyprus. On specific points, she asked whether the Convention had been translated into any of the minority languages or only into Greek, as mentioned in paragraph 11 of the report, and, if not, whether there were any plans to do so. Secondly, given that children listened to each other more readily than to adults, she asked whether Cyprus used any system of peer advocacy in the framework of the National Day of Children and Children's Week, and, if so, to what extent. Thirdly, she asked whether the Interministerial Commission had any specific mandate other than to monitor the implementation of the Convention. If it was concerned only with the implementation of the Convention, was it not in danger of covering the same ground as the Law Commissioner mentioned in HRI/CORE/1/Add.28, paragraph 53? Fourthly, she asked whether the Ombudsman mentioned in paragraph 48 of the same document, was accessible to children themselves for any general complaints they might have or whether the helpline referred to by the delegation was the only way a child could lodge a complaint. She also wondered whether a child had direct access to the courts or whether he or she had to be represented by a parent or guardian.

9. Mrs. KARP, too, wished to hear more about the application of the Convention before the courts. Also, she welcomed the fact that Cyprus had introduced legislation making the mother an equal guardian with the father, but she wondered whether that was enough to change attitudes within the family. Cyprus was fortunate in its high literacy rate, but she was concerned that traditions, religion and other societal factors made for a conservative approach, under which individual children were not taken seriously within the family.

10. Mrs. BADRAN welcomed the interministerial approach to monitoring implementation of the Convention, which enabled the interaction between various problems to be duly observed. Secondly, she welcomed the fact that Cyprus provided details of its per capita spending on education. In the fin analysis, how much a country spent on its children was crucial to their wellbeing. She urged Cyprus to provide the same details with regard to othe aspects of education, such as how much was spent on buildings or on qualifie teachers, and if possible to give similar details with regard to health and culture. Although expenditure in those areas would be harder to quantify th results would be worth the effort.

The meeting was suspended at 4 p.m. and resumed at 4.15 p.m.

11. Ms. PAPAONISIFOROU (Cyprus) said, with regard to the question raised b Mr. Kolosov, that her Government was seeking to ensure that every child in Cyprus was aware of his or her rights. Much had been done to that end throu the training of teachers and through the mass media and school activities.

12. Mr. ZACKHEOS (Cyprus) said that, with regard to the children of minorities, the Government had announced its intention to open in September Turkish school to provide instruction in the Turkish language with Governmen financing.

13. There was also in Cyprus a small minority of Maronites who, in additio to their native language, spoke English. Their education was paid for virtually entirely by the Government.

14. Ms. PAPAONISIFOROU said that a Central Committee had been established t monitor administrative procedures and to study legislation. If the Central Committee found that a law was not in keeping with the Convention, it would inform the Law Commissioner. The Law Commissioner would then draft a text that would be sent to the Council of Ministers and then to Parliament.

15. Mr. ZACKHEOS (Cyprus) said that the Ombudsman existed to investigate complaints by individuals that the administration had violated their rights acted contrary to the law. Any child could go to the Ombudsman to protest against any particular action, but, as far as he was aware, no child had done so.

16. The Convention had been translated into Greek, since the majority of people were Greek. There was an English text which could meet the requirements of Maronites and Armenians. The Turkish population was only about 500 but the possibility of a Turkish text deserved serious consideration.

17. Ms. PAPAONISIFOROU (Cyprus) said that consideration was being given to providing a 24-hour telephone service that could be used by children to lodg complaints or make suggestions. Consideration was also being given to providing education centres where parents learn about the rights of children among other things. Considerable use was made of the media, including television, to publicize children's rights and children frequently participated in discussion programmes.

18. Ms. HADJIANASTASIOU (Cyprus) said that a number of Government programmes, such as immunization, were free of charge for all children regardless of the financial situation of their parents.

19. Mrs. EUFEMIO said it would be useful to have an indication of the level of participation of children in general, and of any differences in levels of participation in the Greek and Turkish Cypriot communities, or in rural and urban communities. Data on the percentage of children with access to television or who were members of clubs or associations might be useful in that regard.

20. Mr. ZACKHEOS (Cyprus) said that he thought the Cypriot Statistics Office could provide such data, and went on to say that children were free to join clubs, as well as being free to elect their own class leaders in school.

21. Ms. PAPAONISIFOROU (Cyprus) said that although she had no statistical data to prove it, she was sure the vast majority of Cypriot children belonged freely to various kinds of groups.

22. Mrs. EUFEMIO said her concern was for the minority who did not belong to any group.

23. Mr. MOMBESHORA asked what was the minimum age for criminal responsibility in Cyprus, as no mention was made of it in the written answer to the issues raised by the Committee.

24. Miss MASON said she was very concerned that Cypriot law appeared to treat 16-18 year-olds in the same way as adults in regard to criminal responsibility, as the Juvenile Offenders Law applied only to children up to the age of 16. She was also very concerned about cases of sexual offences against children, as it appeared that the Criminal Code classed offences against children aged 13-16 as "misdemeanours".

25. Mr. KOLOSOV sought clarification on the age of majority, and confirmation that the Convention was applicable to every person below the age of 18.

26. Mrs. KARP wished to know how the minimum age for marriage worked in practice. Although civil law set the minimum age at 18, that apparently applied only to Greek Orthodox or mixed marriages, while it was also possible for a bishop to give special permission for marriages at an earlier age with apparently no lower age-limit. She asked which law applied to persons who were not members of the Greek Orthodox Church. The risks and problems of early marriage were well known and in the best interests of the child it should not be encouraged. The Government should therefore consider fixing a uniform minimum age of at least 18 for marriage. Even the consent of parents to the marriage of a child aged 16-18 was not in the best interests of the child.

27. On the subject of criminal responsibility and the juvenile justice system, she asked whether, as children over 16 were treated like adults, they were also subject to the death penalty, which would be a clear violation of the provisions of the Convention.

28. Miss MASON noted that, although Cyprus said in its report that it had abolished the death penalty in 1983 and that it could not be applied anyway to children under the age of 16, a report of the Human Rights Committee in 1994 had voiced concern that it might still be applied to children aged 16-18. She asked the delegation for clarification.

29. Mrs. KARP asked if the Government was intending to change the very low age of seven for criminal responsibility.

30. Ms. PAPAONISIFOROU (Cyprus) replied that the Government was hoping to raise the age of criminal responsibility soon, and stressed that in practice no child under 14 was taken to court except for extremely serious offences. The discrepancies in the definition of the child arose from old laws which had not yet been updated. A major effort was being made to unify Cypriot laws so that they all followed the definition of the child in the Convention, although progress was slow as some laws required not just amendments but a complete redrafting.

31. On the question of children aged 16-18 being treated as adults before the law, she said that in practice the courts were very cautious about sentencing children to prison, preferring probation and other alternatives. In fact, there were only five or six children aged 16-18 in prison in Cyprus. Whenever a young person was taken to court, a welfare report was required for them, and that meant that social workers could exert some influence on court decisions.

32. Mr. ZACKHEOS (Cyprus) said that according to the Constitution, the personal status of Greek Orthodox or Muslim Cypriots was determined by the laws of the respective communities.

33. Ms. HADJIANASTASIOU (Cyprus) said that, in general, early marriages were not condoned in Cyprus. However, they did take place, but only after the consent of the parents was given.

34. Mr. KOLOSOV pointed out that the Convention did not preclude imprisonment for children under 18 years of age. Article 40, paragraph 3 (a) provided only for the establishment of a minimum age below which children would be presumed not to have the capacity to infringe the penal law.

35. Mrs. KARP asked what special measures, such as segregation and special courts, were taken to protect children under 18 years of age who were serving a prison sentence and whether there were alternatives to incarceration.

36. It had been stated that personal status was decided by the respective religious communities. However, a common policy covering the country as a whole should be applied as a guideline for parents and as a way of fulfilling the State's responsibility to children.

37. Miss MASON asked if abortion was legal, how widely it was practised and, since there was no legislation on the minimum age at which children could seek medical care and counselling without the parents' consent, whether it would be possible for a girl to seek an abortion without her parents' knowledge.

38. The CHAIRPERSON, speaking as a member of the Committee, asked if society at large was ready to accept the legislative changes needed in Cyprus, and if not, what was being done to convince them of their expediency.

39. Mr. ZACKHEOS (Cyprus), said that he agreed that there should be common standards and legislation for the entire population. However, the situation in Cyprus was special, demanding a special Constitution. Extreme care had been taken in drafting the Constitution to protect the interests of the minority and allow a large degree of autonomy, for example, in the areas of personal status and religious affairs. It would be next to impossible to change the Constitution and it was not advisable for the Government to become entangled in an issue as sensitive as early marriage, which should be left to religious communities to settle. Cases of early marriage were relatively isolated because it was generally felt that girls should at least finish their education before marrying.

40. Ms. PAPAONISIFOROU (Cyprus) said that until attitudes changed, legislation would not be able to prevent early marriages. In general, however, people were tending to marry later and the average age of marriage had risen to 27 for women and 29 for men.

41. Ms. HADJIANASTASIOU (Cyprus) said that the abortion laws were strict, sanctioning abortion only in certain cases, such as danger to the health of the mother, pregnancy resulting from sexual abuse, and so forth. There were no actual figures, but cases of unmarried girls under the age of 18 having abortions without their parents' consent could not be discounted. The Family Planning Association did all it could to prevent unwanted pregnancies.

42. Mr. MOMBESHORA asked for clarification on medical counselling and whether a child could be prescribed treatment, particularly in private clinics, without the parents' consent or knowledge.

43. Ms. HADJIANASTASIOU (Cyprus) said that doctors would not necessarily feel the need to contact the parents of a patient in the case of routine consultations or minor ailments. In cases of abortion, doctors, including those in the private sector, were careful to respect the law, and would be very unlikely to carry out an abortion on a girl without her parents' consent.

44. Ms. PAPAONISIFOROU (Cyprus) said that each family had a medical card, covering the parents and children under 18 years of age, that had to be presented to a doctor or hospital before treatment would be provided. It would thus be impossible for a child to seek treatment or counselling without the knowledge of his or her parents.

45. Mr. ZACKHEOS (Cyprus) said that a child could be treated without his or her medical card in an emergency.

The meeting rose at 6 p.m.